

Subsec. (g). Pub. L. 94-279, §3(4), expanded definition of “animal” to include dogs used for hunting, security, or breeding purposes.

Subsecs. (i), (j). Pub. L. 94-279, §4, added subsecs. (i) and (j).

1970—Subsec. (b). Pub. L. 91-579, §3(1), inserted “of the United States or his representative who shall be an employee of the United States Department of Agriculture” after “Secretary of Agriculture”.

Subsec. (c). Pub. L. 91-579, §3(2), substituted “trade, traffic, commerce, transportation among the several States, or between any State” for “commerce between any State”.

Subsec. (d). Pub. L. 91-579, §3(3), substituted definition of “affecting commerce” for definition of “dog”.

Subsec. (e). Pub. L. 91-579, §3(3), struck out definition of “cat” and substituted for it a definition of “research facility” formerly set out in subsec. (f), and, in such definition as transferred from former subsec. (f), extended the term’s meaning to include those using “animals” rather than only dogs and cats and allowed exemptions of schools, organizations, institutions, or persons which do not use live dogs or cats, with such exemption to be inapplicable in the case of schools, organizations, institutions, and persons in biomedical research using a substantial number of live animals.

Subsec. (f). Pub. L. 91-579, §3(3), substituted definition of “dealer” formerly contained in subsec. (g) for definition of “research facility” and in such definition of “dealer” as thus transferred inserted provisions extending meaning to include live or dead animals rather than only dogs and cats, adding teaching and exhibition purposes or uses as pets, and exempting retail pet stores unless such stores sell animals to a research facility, an exhibitor, or a dealer. Definition of “research facility” transferred to subsec. (e) and amended.

Subsec. (g). Pub. L. 91-579, §3(3), substituted definition of “animal” formerly contained in subsec. (h) for definition of “dealer” and in such definition of “animal” as thus transferred inserted stipulation “live or dead” to the species already covered, and inserted provisions to include such warm-blooded animals as may be determined by the Secretary but to exclude specific animals used for research, food and fiber, and the improvement of animal breeding, nutrition, management, or production efficiency. Definition of “dealer” transferred to subsec. (f) and amended.

Subsec. (h). Pub. L. 91-579, §3(3), substituted definition of “exhibitor” for definition of “animal”. Definition of “animal” transferred to subsec. (g) and amended.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-198 effective one year after Dec. 23, 1985, see section 1759 of Pub. L. 99-198, set out as a note under section 2131 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-579 effective one year after Dec. 24, 1970, see section 23 of Pub. L. 91-579, set out as a note under section 2131 of this title.

§ 2133. Licensing of dealers and exhibitors

The Secretary shall issue licenses to dealers and exhibitors upon application therefor in such form and manner as he may prescribe and upon payment of such fee established pursuant to 2153 of this title: *Provided*, That no such license shall be issued until the dealer or exhibitor shall have demonstrated that his facilities comply with the standards promulgated by the Secretary pursuant to section 2143 of this title: *Provided, however*, That any retail pet store or other person who derives less than a substantial portion of his income (as determined by the Secretary) from the breeding and raising of dogs or cats on his own premises and sells any such dog or cat

to a dealer or research facility shall not be required to obtain a license as a dealer or exhibitor under this chapter. The Secretary is further authorized to license, as dealers or exhibitors, persons who do not qualify as dealers or exhibitors within the meaning of this chapter upon such persons’ complying with the requirements specified above and agreeing, in writing, to comply with all the requirements of this chapter and the regulations promulgated by the Secretary hereunder.

(Pub. L. 89-544, §3, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91-579, §4, Dec. 24, 1970, 84 Stat. 1561.)

AMENDMENTS

1970—Pub. L. 91-579 inserted references to exhibitors and retail pet stores.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-579 effective one year after Dec. 24, 1970, see section 23 of Pub. L. 91-579, set out as a note under section 2131 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2136, 2137, 2138, 2139, 2155 of this title.

§ 2134. Valid license for dealers and exhibitors required

No dealer or exhibitor shall sell or offer to sell or transport or offer for transportation, in commerce, to any research facility or for exhibition or for use as a pet any animal, or buy, sell, offer to buy or sell, transport or offer for transportation, in commerce, to or from another dealer or exhibitor under this chapter any animals, unless and until such dealer or exhibitor shall have obtained a license from the Secretary and such license shall not have been suspended or revoked.

(Pub. L. 89-544, §4, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91-579, §5, Dec. 24, 1970, 84 Stat. 1561; Pub. L. 94-279, §5, Apr. 22, 1976, 90 Stat. 418.)

AMENDMENTS

1976—Pub. L. 94-279 substituted “in commerce” for “affecting commerce” in two places.

1970—Pub. L. 91-579 inserted references to exhibitors, offers to sell, and offers to transport, and substituted references to animals for references to dogs and cats.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-579 effective one year after Dec. 24, 1970, see section 23 of Pub. L. 91-579, set out as a note under section 2131 of this title.

§ 2135. Time period for disposal of dogs or cats by dealers or exhibitors

No dealer or exhibitor shall sell or otherwise dispose of any dog or cat within a period of five business days after the acquisition of such animal or within such other period as may be specified by the Secretary: *Provided*, That operators of auction sales subject to section 2142 of this title shall not be required to comply with the provisions of this section.

(Pub. L. 89-544, §5, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91-579, §6, Dec. 24, 1970, 84 Stat. 1561.)

AMENDMENTS

1970—Pub. L. 91-579 inserted references to exhibitors and inserted proviso that operators of auction sales